

Statement of VerifiedVoting.org
Regarding Proposed Amendments to the Tennessee Voter Confidence Act
Submitted to the Tennessee Legislature
April 8, 2009

Dear Senators and Representatives,

Thank you for this opportunity to comment on proposed amendments to the Tennessee Voter Confidence Act. VerifiedVoting.org is a national nonpartisan organization advocating the use of voting systems that are accessible, reliable, transparent and publicly verifiable.

First, we wish to express gratitude for your work last year in passing the Tennessee Voter Confidence Act. With the Act, you made a wise and urgently needed commitment that has been made by 38 other states in the nation: a commitment to an election system that allows transparent verification of the vote. You recognized the need to assure voters that their votes are recorded and counted accurately, and you listened to the warnings of eminent computer scientists who have spoken out forcefully against the use of paperless electronic voting systems. Thank you.

In the current fiscal climate, local and state officials view a change of voting equipment with concern. Though Tennessee has sufficient federal funds under the Help America Vote Act to purchase optical scanners and ballot markers to serve voters with disabilities, the ongoing costs of maintaining and operating a new voting system have become a topic of discussion. As this discussion has progressed, you have received a fiscal note based on estimates of operating costs from the counties, but the information provided is incomplete. The survey appears not to have asked about current costs, only about projected costs for a different system. Storage of DREs, for example, tends to cost more than storage for optical scan systems, because fewer devices are needed overall. However, no prior cost estimates for storage of current DREs are provided. Only costs for storage of a new system are provided. Any estimates provided to you regarding the operating costs of paper ballot voting systems should be scrutinized carefully, and not taken at face value without concurrent documentation about operating costs for DRE systems.

Evidence shows that -- including the costs of paper ballots -- the ongoing operating costs of optical scan systems tend to be lower than the costs of direct-recording electronic voting systems. Recent information, compiled from four demographically similar counties in North Carolina for the fiscal years 2005 through 2008 illustrates this fact. The four counties -- Durham County, Guilford County, Mecklenburg County, and Wake County -- were previously the subject of a study by the North Carolina Coalition for Verified Voting (an independent, state-based grassroots organization) in 2005.¹ The 2005 analysis by the North Carolina Coalition for Verified Voting found that in the fiscal years 1999 through 2004, Wake County and Durham County, the two counties with optical scan systems, had actual annual costs 30% to 40% lower than the two counties that used direct-recording electronic systems, Guilford County and Mecklenburg County.

VerifiedVoting.org staff collected expenditure data for the fiscal years 2005 through 2008 from Comprehensive Annual Financial Reports (CAFRs) issued by the counties' Finance Departments. The expenditure data reported in the CAFRs includes all expenditures of the county Board of Elections, from printing paper ballots, to training of poll-workers, to storage of equipment.

From July 1, 2005 to June 30, 2008, the two counties using paper ballot optical scan equipment, Durham and Wake, had average annual expenditures of \$5.54 per registered voter, and \$3.63 per registered voter, respectively. Guilford and Mecklenburg counties, using direct-recording electronic systems, saw annual Board of Elections expenditures of \$7.22 per registered voter and \$7.46 per registered voter. A year-by-year breakdown of the counties' Board of Elections expenditures is attached as Appendix A.

The comparative election costs of the four counties in North Carolina are consistent with the findings of previous studies by election officials and citizens. In Miami-Dade County, Florida, the Supervisor of Elections and the Department of Procurement Management concluded in 2005 that switching to optical scan voting would result in substantial cost savings of \$13.2 million over five years.² The Miami-Dade Department of Procurement analysis estimated that Florida's largest county conducts between 29 and 32 elections per year.³ A statement in the Supervisor of Elections' report is memorable:

“Completing the conversion to an optical scan system would likely bring appreciable benefits with relatively modest incremental effort and expense. The lower operating costs, coupled with the elimination of future capital and maintenance expenses associated with the current touch screen system, would allow the County to recover the estimated purchase price of \$9.4 million to \$12.3 million within a few election cycles. In fact, based on the initial analysis the County could save more than \$13.21 million over five years.”⁴

Survey responses from 33 Florida county governments indicated that annual expenses of the counties that had switched to DRE voting systems to replace their punch card voting systems increased by an average of 57%. The expenses of the counties that switched from the very inexpensive punch cards to optical scan increased only by an average of 17%.⁵ In Maryland, advocates have conducted a cost survey showing operating costs can be reduced by conversion to a statewide optical scan voting system.⁶ With the exception of the earliest North Carolina cost data, which is available only on the Internet, each document cited in this statement is attached as an appendix.

We recognize that each state has its own administrative practices, and that election costs will not replicate neatly across state lines. At the same time, we urge you to recognize that available evidence shows that it is possible that Tennessee could save money by converting to optical scan voting systems in 2010. Even stipulating the higher operating costs that you have been told will result from implementation of the Tennessee Voter Confidence Act, the social cost of continued uncertainty about the accuracy of the vote in Tennessee is far greater. Using paperless electronic voting machines presents avoidable and unacceptable risk both to voter confidence and to electoral integrity. That is why most voters in the United States cast their vote by marking a paper ballot; and why in 2008 the Legislature passed the Tennessee Voter Confidence Act; and why in 2009 the Legislature should ensure that the Act is implemented before the next general election.

Sincerely,

Warren Stewart
Legislative Policy Director, VerifiedVoting.org

Pamela Smith
President, VerifiedVoting.org

- ¹ “Touch screen Voting Increases Election Costs in North Carolina: A Comparison of Total Annual Expenditures for Touch Screens and Optical Scanners.” By Joyce McCloy. Available at: <http://www.ncvoter.net/affordable.html>
- ² “Election Voting Technologies: Market Research and Cost Comparison for Using Touch Screen vs. Optical Scan Election Systems.” Miami-Dade County Department of Procurement Management, May 2005. Available at: <http://www.votersunite.org/info/MiamiInitialReportfromSoE.pdf>.
- ³ *Id.*, page 12.
- ⁴ “Desirability and feasibility of converting to an optical scan voting system.” Lester Sola, Supervisor of Elections, Miami-Dade County. May 27, 2005, page 6. Available at: <http://www.votersunite.org/info/MiamiInitialReportfromSoE.pdf>
- ⁵ “Report on a Survey of Changes in Total Annual Expenditures Before and After the Purchase of Touch Screens and a Comparison of Total Annual Expenditures for Touch Screens and Optical Scanners.” By Rosemarie Myerson and Richard Myerson. Available at: <http://www.votersunite.org/info/FloridaElectionCostStudy12-01-05.pdf>
- ⁶ “Cost Analysis for SB 970 and HB 1211.” By Save Our Votes Maryland. March 2009 Available at: <http://www.saveourvotes.org/reports/09sbecostresponse.pdf>